

LABEL, IN PART: "Blake's Mineral Compound * * * Ingredients: (active) Ammonium Chloride; Potassium Chlorate; Sodium Sulphate; Calcium Carbonate; Tobacco Powder."

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the package label and in the accompanying pamphlet were false and misleading since the article when used as directed was not effective for the purposes represented. The statements represented and suggested that the article when used as directed was effective in the prevention and treatment of livestock from the effects of poisonous weeds and from bloat while pasturing on green alfalfa or clover or in corn or wheat fields.

DISPOSITION: July 13, 1950. Default decree of condemnation and destruction.

3240. Misbranding of Chick Tone and Pig and Hog Tone. U. S. v. 23 Packages, etc. (F. D. C. No. 29337. Sample Nos. 72907-K, 72908-K.)

LIBEL FILED: May 31, 1950, Southern District of Indiana.

ALLEGED SHIPMENT: On or about April 13, 1950, by the Cumberland Poultry Supply Co., from Nashville, Tenn.

PRODUCT: 23 packages of *Chick Tone* and 23 packages of *Pig and Hog Tone* at Birdseye, Ind.

Analysis showed that the *Chick Tone* consisted essentially of hydrated lime (80 percent), epsom salt (14 percent), soda, iron compounds, sulfur, salt, nux vomica (0.4 percent), and quassia. The amount of strychnine (a constituent of nux vomica) in the *Chick Tone* was approximately 0.02 gram, and the quantity of the contents of the package of the product was approximately 1 pound.

Analysis showed that the *Pig and Hog Tone* consisted essentially of hydrated lime (71 percent), epsom salt (11 percent), soda (10 percent), an iron compound, nux vomica, quassia, salt, and sulfur. It contained no significant proportions of sodium fluoride, nicotine, rock phosphate, or calcium phosphate. The amount of strychnine present as a constituent of nux vomica was approximately 0.1 gram, and the quantity of the contents of the package was 1 pound and 1 1/4 ounces.

NATURE OF CHARGE: *Chick Tone*. Misbranding, Section 502 (a), the following statements on the label of the article were false and misleading since the article was not effective for the purposes stated and implied; the article contained less than the stated amount of strychnine and contained no significant proportion, if any, of calcium phosphate; and it would not supply all the mineral elements needed by poultry as represented: "* * * Tone * * * To Preserve and Promote the Health of Poultry and Aids in Egg Production Chick Tone is made from a combination of ingredients correctly balanced to act as a tonic and laxative and is particularly valuable to the moulting flock, the growing chick, and the heavy egg producer. Aids In The Treatment For Worms, Gapes, Roup, White Diarrhoea, And Helps Keep The Poultry In A Healthy Condition The consistent use of Chick Tone is highly recommended as a preventive and treatment for Range Paralysis * * * For best results Chick Tone should be used continuously as a regular tonic, conditioner * * * No additional minerals or salts required when Chick Tone is used regularly. * * * Ingredients—Nux Vomica, approx. 3.52 grams of Strychnine, Quassia, Epsom Salts, Red Oxide of Iron, Soda, Copperas, Sulphur Flour, Calcium Phosphate, Hydrated Lime, Salt" and "No additional minerals or salts required when Chick Tone is used regularly." Further misbranding, Section 502 (b) (2), the label of the article failed to bear an accurate statement of the quantity of the contents since the label state-

ment "Contents: 1 Pound 4 ounces" was inaccurate; and, Section 502 (e) (2), the label of the article failed to bear a statement of the quantity or proportion of strychnine contained therein.

Pig and Hog Tone. Misbranding, Section 502 (a), the following statements on the label of the article were false and misleading since the article was not effective for the purposes stated and implied; the article contained less than the stated amount of strychnine and contained no significant proportion, if any, of sodium fluoride, nicotine, rock phosphate, or calcium phosphate; and it contained epsom salt, which was not declared as an ingredient: " * * * Tone 'Removes The Cause' Pig and Hog Tone is compounded from a combination of ingredients that will thoroughly expel or dissolve all worms. It is a very effective treatment and preventative of cholera and other common diseases among hogs. Pig and Hog Tone builds stronger, bigger bones—is a mild laxative, increases appetite and keeps hogs in a thoroughly healthy condition, thereby promoting faster growth, more pounds, and is a guaranteed feed saver * * * In stubborn cases with old hogs, double the dose * * * Guaranteed Analysis Nux Vomica, approx. 3.52 grams Strychnine, Quassia, Sodium Floride, Red Oxide of Iron, Nicotine, Rock Phosphate, Sodium Chloride, Sulphate of Iron, Calcium Phosphate." Further misbranding, Section 502 (b) (2), the label of the article failed to bear a statement of the quantity of the contents; and, Section 502 (e) (2), the label of the article failed to bear a statement of the quantity or proportion of strychnine contained therein.

DISPOSITION: August 9, 1950. Default decree of forfeiture and destruction.

INDEX TO NOTICES OF JUDGMENT D. D. N. J. NOS. 3221 TO 3240

PRODUCTS

	N. J. No.		N. J. No.
Adhesive compresses.....	3236	Newallium oleum capsules.....	3225
Bandages and dressings.....	3231, 3236	Oleum, Newallium, capsules.....	3225
Bantex cohesive gauze bandages..	3231	Oxylin antiseptic tablets.....	3222
Benadryl hydrochloride capsules..	3223	Pentobarbital sodium capsules..	3224
Benzedrine Sulfate tablets.....	3223, 3224	Phenothiazine drench.....	3229
Blake's Mineral Compound.....	3239	Pig and Hog Tone.....	3240
Chick Tone.....	3240	Pin-Hole spectacles, Multiple....	3238
Chorionic gonadotropin.....	3230	Prophylactics.....	3232, 3233
Cosmetic (subject to the drug provisions of the Act).....	3227	Raysol.....	3234
Devices.....	3228, 3232, 3233, 3237, 3238	Seconal Sodium capsules.....	3223
Diethylstilbestrol tablets.....	3224	Sinusitis, remedy for.....	3226
Dressings. See Bandages and dressings.		Special tablets.....	3222
Gelatin capsules.....	3225	Spectacles, Multiple Pin-Hole....	3238
Gonadotropin, chorionic.....	3230	Stimulator, vacuum.....	3237
Hair and scalp preparation.....	3227	Sulfonamides Triplex tablets....	3223, 3224
Indian root pills, Dr. Morse's....	3235	Syno.....	3226
Metandren Linguets.....	3221	Thyroid tablets.....	3224
Mineral Compound, Blake's.....	3239	Tru-Lan hair conditioner.....	3227
Morse's, Dr., Indian root pills..	3235	Vacuum stimulator.....	3237
Multiple Pin-Hole spectacles....	3238	Veterinary preparations.....	3229, 3239, 3240
Neo-Hombreol tablets.....	3221	X-ray machine.....	3228

✓ SDF 307
 ✓ E.R.S. Ess
 ✓ F.D.C.
 ✓ D.M.T.
 . . .
 P.E.S.
 [Signature]

FEDERAL SECURITY AGENCY

FOOD AND DRUG ADMINISTRATION

NOTICES OF JUDGMENT UNDER THE FEDERAL FOOD, DRUG, AND COSMETIC ACT

[Given pursuant to section 705 of the Food, Drug, and Cosmetic Act]

3241-3260

DRUGS AND DEVICES

The cases reported herewith were instituted in the United States district courts by the United States attorneys, acting upon reports submitted by the Federal Security Agency, and include, where indicated, the results of investigations of the Agency, prior to the institution of the proceedings. Published by direction of the Federal Security Administrator.

PAUL B. DUNBAR, *Commissioner of Food and Drugs.*
WASHINGTON, D. C., *January 25, 1951.*

CONTENTS*

	Page		Page
Drugs actionable because of failure to bear adequate directions or warning statements.....	224	Drugs and devices actionable because of false and misleading claims.....	231
Drug actionable because of contamination with filth.....	228	Drugs for human use.....	231
Drugs and devices actionable because of deviation from official or own standards.....	229	Drugs for veterinary use.....	234
		Index.....	235

*For presence of a habit-forming narcotic without warning statement, see Nos. 3241, 3245, 3246; omission of, or unsatisfactory, ingredients statements, Nos. 3242, 3243, 3246, 3258; failure to bear a label containing an accurate statement of the quantity of the contents, Nos. 3241-3248; failure to bear a label containing the name and place of business of the manufacturer, packer, or distributor, Nos. 3241-3245, 3248.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS

3241. Misbranding of sulfathiazole lozenges, Dexedrine Sulfate tablets, and Tuinal capsules. U S. v. Elias A. Doerr (Doerr's Drug Store), and Arthur R. Morgan. Pleas of guilty. Each defendant fined \$100 and placed on probation for 1 year. (F. D. C. No. 28121. Sample Nos. 61307-K, 61312-K, 61315-K, 61316-K.)

INFORMATION FILED: January 31, 1950, Eastern District of Illinois, against Elias A. Doerr, trading as Doerr's Drug Store, Murphysboro, Ill., and Arthur R. Morgan, a pharmacist.

INTERSTATE SHIPMENT: On or about December 10, 1947, and April 21 and May 27, 1949, from the States of Indiana and Missouri into the State of Illinois, of quantities of *sulfathiazole lozenges*, *Dexedrine Sulfate tablets*, and *Tuinal capsules*.

ALLEGED VIOLATION: On or about July 22 and 27, 1949, while the drugs were being held for sale after shipment in interstate commerce, the defendants, Elias A. Doerr and Arthur R. Morgan, caused a number of *sulfathiazole lozenges* and a number of *Dexedrine Sulfate tablets* to be repackaged and sold without a prescription, and on July 28, 1949, defendant Elias A. Doerr caused a number of *sulfathiazole lozenges* and a number of *Tuinal capsules* to be repackaged and sold without a prescription, which acts of the defendants resulted in the drugs being misbranded.

NATURE OF CHARGE: Misbranding, Section 502 (b) (1), one sale of the repackaged *sulfathiazole lozenges* failed to bear a label containing the name and place of business of the manufacturer, packer, or distributor; and, Section 502 (b) (2), all of the repackaged drugs failed to bear labels containing an accurate statement of the quantity of the contents.

Further misbranding, Section 502 (d), the *Tuinal capsules* contained derivatives of barbituric acid, which derivatives had been found to be, and by regulations designated as, habit forming; and when repackaged, the *Tuinal capsules* failed to bear a label containing the name, and quantity or proportion of such derivatives and in juxtaposition therewith the statement "Warning—May be habit forming."

Further misbranding, Section 502 (f) (1), all of the repackaged drugs failed to bear labeling containing directions for use; and, Section 502 (f) (2), the repackaged *sulfathiazole lozenges* bore no labeling containing warnings against use in those pathological conditions where their use may be dangerous to health, and against unsafe dosage and methods and duration of administration.

DISPOSITION: September 25, 1950. Pleas of guilty having been entered, the court fined each defendant \$100 and placed each on probation for 1 year.

3242. Misbranding of sulfathiazole tablets. U. S. v. Stephen S. Titus (Titus Pharmacy). Plea of guilty. Fine, \$600. (F. D. C. No. 29415. Sample Nos. 13614-K, 13619-K, 13805-K.)

INFORMATION FILED: June 29, 1950, Eastern District of Pennsylvania, against Stephen S. Titus, trading as Titus Pharmacy, Philadelphia, Pa.

INTERSTATE SHIPMENT: On or about September 10, 1948, from the State of New York into the State of Pennsylvania, of a quantity of *sulfathiazole tablets*.